

REMARKS

The Office Action dated June 13, 2005, has been received and carefully considered. Reconsideration of the outstanding rejections in the present application is respectfully requested based on the following remarks.

35 U.S.C. § 112 Rejections

Claims 1, 6, 7, 11, 14, 18, 23, 28, 33 and 34 stand rejected under 35 U.S.C. § 112, 2nd paragraph, as allegedly being indefinite for use of the terms "network advertised window size." Applicants respectfully traverse. As disclosed in Applicants' specification (see, e.g., p. 13, lines 20-25) the "network advertised window size" is "the number of packets that a TCP connection can have in transit (i.e., unacknowledged by a receiver) at a time." Applicants' usage of the terms are consistent with the usage known in the art (see, e.g., Siu, col. 1, line 59 -- col. 2, line 26). Applicants respectfully request that the rejections be withdrawn.

35 U.S.C. § 102(e) Rejections

Claims 1-38 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Siu. By this response, Applicants have cancelled, without prejudice, claims 4, 12,

21 and 31. Applicants respectfully traverse the rejections of claims 1-3, 5-11, 13-20, 22-30 and 32-38 for at least the following reasons.

Independent claims 1, 11, 18 and 38 are amended to explicitly recite the steps of calculating an advertised window size. Siu does not disclose or suggest these steps. For example, each independent claim contains a step similar to the one recited in claim 1 as:

"calculating the network device's advertised window size $W_i(n)$, based, at least in part, upon the current error signal $e_i(n)$ according to the equation:

$W_i(n) = [W_i(n-1) + \alpha e_i(n)]_{W_{\min}}^{W_{\max}} \dots$ " Thus, the advertised window size is calculated by summing the previous window size ($W_i(n-1)$) with the error signal ($e_i(n)$) multiplied by a predetermined parameter (α). In contrast, Siu discloses calculating a window size according to the equation:

$$w(t) = \sqrt{2ER(t-t_1) + w^2(t_1)}. \text{ See col. 11.}$$

In other words, Siu's window is calculated by taking the square root of the sum of twice the explicit rate ($2ER$) and the square of the previous window size ($w^2(t_1)$). Clearly, Siu discloses a different method for calculating window size and, thus, cannot anticipate Applicants'

claims. For at least this reason Applicants respectfully traverse the rejections of claims 1, 11, 18 and 28.

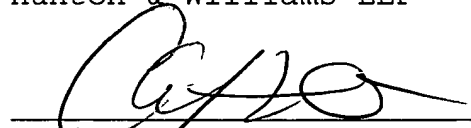
In addition, Applicants respectfully submit that numerous other claim features are not disclosed by Siu. These features have been discussed in Remarks previously submitted by Applicants and are hereby incorporated by reference herein.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0206, and please credit any excess fees to the same deposit account.

Respectfully submitted,

Hunton & Williams LLP

By:



Christopher Cuneo
Registration No. 42,450, for
Thomas E. Anderson
Registration No. 37,063

TEA/CJC

Hunton & Williams LLP
1900 K Street, N.W.
Washington, D.C. 20006-1109
Telephone: (202) 955-1500
Facsimile: (202) 778-2201

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